

**REMARKS/ARUGMENTS**

Upon entry of this amendment, claims 3 and 4 will be canceled without prejudice or disclaimer of the subject matter recited therein, claims 1 and 2 will be amended, and claims 5-11 will be added, whereby claims 1, 2 and 5-11 will be pending. Claim 1 is the sole independent claim.

Amendments to the claims are supported by the originally filed application, and therefore do not constitute new matter. In this regard, the Examiner's attention is directed, for example to the table appearing at the bottom of page 8 wherein each of the compounds includes HAr-COOR<sup>5</sup> being 5-carboxy-pyrimidine-2-yl. Moreover, the Examiner's attention is directed to page 7, third full paragraph wherein HAr is discussed, and Applicants' Examples.

Still further, the Examiner's attention is directed, for example, to page 12, beginning at the first full paragraph, for disclosure of treatment of diabetes and complications of diabetes and, for example, beginning at the first full paragraph of page 10 for controlling retinoid action.

Moreover, the specification is amended herein to explicitly include the recitation of the presently pending claims in the Disclosure of the Invention section of the application.

Reconsideration and allowance of the application are respectfully requested.

**Disclosure Statements**

Applicants express appreciation for the forwarding with the Office Action of an initialed copy of the Form PTO-1449 submitted with the Supplemental Information Disclosure Statement

filed June 11, 2002 indicating consideration of this supplemental disclosure statement. However, an initialed copy of the Form PTO-1449 attached to the Information Disclosure Statement filed February 27, 2002 is not attached to the Office Action. Applicants therefore respectfully request that the Examiner include an initialed copy of the Form PTO-1449 submitted with the Information Disclosure Statement with the next communication from the Patent and Trademark Office. For the Examiner's convenience another copy of the form is enclosed.

Still further, Applicants note that the initialed copy of the Form PTO-1449 attached to the Office Action is not completely initialed in that two U.S. patents, i.e., U.S. Patent Nos. 3,499,898 and 4,143,151 are not initialed. Moreover, it is noted that two English abstracts for considered Japanese patent documents have been crossed through as being incomplete. Applicants are therefore submitting a Form PTO-1449 relisting these documents, including additional information for the English abstracts. The Examiner is respectfully requested to initial this form and forward an initialed copy with the next communication from the Patent and Trademark Office.

Still further, Applicants note that the Office Action does not confirm consideration of four of the five documents cited in the International Search Report. In particular, Ozeki et al., Finch et al., EP 254259 A2, and JP 3-127790 are cited in the International Search Report, but have not been confirmed as being considered by the Examiner. In this regard, Applicants remind the Examiner that the Examiner will consider the documents cited in the International Search Report in a PCT national stage application when the Form PCT/DO/EO/903 indicates that both the International Search Report and the copies of the documents are present in the national stage file. In such a case,

the Examiner should consider the documents from the International Search Report and indicate by a statement in the first Office Action that the information has been considered.

In the instant case, the Examiner has not indicated in the first Office Action that the documents have been considered. Therefore, in order that the record is clear with respect to the Examiner's consideration of the documents, Applicants are enclosing a completed Form PTO-1449 listing these four documents. The Examiner is therefore respectfully requested to confirm the required consideration of these documents in this national stage application by forwarding an initialed copy of the form with the next communication from the Patent and Trademark Office.

Moreover, to ensure the completeness of the record, Applicants are also submitting herewith copies of the U.S. patent family members, i.e., U.S. Patent Nos. 4,868,183 and 5,059,598, listed in the International Search Report, and listing these on the Form PTO-1449.

If the Examiner needs additional copies of any of the documents cited in the International Search Report, the Examiner is requested to contact the undersigned by telephone.

Applicants submit that no fees should be necessary for consideration of this information. However, if any fees are necessary, authorization is hereby provided to charge any required fee to Deposit Account No. 19-0089.

**Claim Of Priority**

Applicants also express appreciation for the acknowledgment in the Office Action of the claim of foreign priority as well as receipt all copies of the certified copies of the priority documents in this national stage application.

**Response To Rejection Under 35 U.S.C. 101**

In response to the rejection of claims 2-4 under 35 U.S.C. 101, Applicants respectfully submit that the claims have been rewritten to be more in accordance with standard U.S. practice by being directed to compositions and methods. Thus, Applicants note that claim 2 has been rewritten to even more clearly recite a medicament composition. Moreover, claims 3 and 4 have been canceled and have been rewritten as method claims. Accordingly, this ground of rejection should be withdrawn.

**Response To Rejection Under 35 U.S.C. 112, First and Second Paragraphs**

In response to the rejection of claims 1-4 under 35 U.S.C. 112, first and second paragraphs, Applicants respectfully submit the following.

Applicants respectfully submit that one having ordinary skill in the art would readily understand the metes and bounds of Applicants' claimed invention, especially in view of the description of the invention in the specification. However, without making any statement of agreement and/or acquiescence with the rejection of record, the claims have been amended herewith, whereby the rejection should be withdrawn. In particular, claim 1 has been amended in the manner noted above and to remove the term "general".

Regarding the terminology “adjacent  $R^2$  and  $R^3$  may combine together with carbon atoms on the benzene ring to which they bind to form an aromatic 5- to 7-membered ring or non-aromatic 5- to 7-membered ring which may be substituted”, Applicants respectfully submit that this language is readily understandable to one having ordinary skill in the art. For example, the Examiner’s attention is directed to Applicants’ specification at the bottom of page 5 wherein the term “substituted” is discussed.

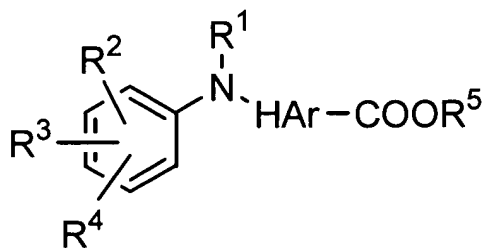
In view of the above, these rejections should be withdrawn.

### Response To Rejections Based Upon Prior Art

Applicants note that the Office Action includes the following rejections:

Claim 1 is rejected under 35 U.S.C. 102/103 as being unpatentable over any of Ozeki et al., U.S. Patent No. 4,666,915, Hoffmann et al., U.S Patent No. 3,415,834, or Hoffmann et al., U.S. Patent No. 3,466,373.

In response, Applicants respectfully submit that note of the documents utilized in the rejections of record teach or suggest, as recited in Applicants’ independent claim 1, a compound or a salt thereof represented by the following formula (I):



wherein  $R^1$  represents hydrogen atom, a  $C_{1-6}$  alkyl group, a  $C_{1-6}$  alkenyl group, or an acyl group,  $R^2$  and  $R^3$  independently represent hydrogen atom or a  $C_{1-6}$  alkyl group or adjacent  $R^2$  and  $R^3$  may

combine together with carbon atoms on the benzene ring to which they bind to form an aromatic 5- to 7-membered ring or non-aromatic 5- to 7-membered ring which may be substituted; R<sup>4</sup> represents hydrogen atom, hydroxyl group, a C<sub>1-6</sub> alkoxy group, a C<sub>1-6</sub> alkyl group, nitro group, or a halogen atom; and HAR-COOR<sup>5</sup> is 5-carboxy-pyrimidine-2-yl.

Moreover, the documents of record do not teach or suggest compositions and/or method recited in Applicants' claims.

Accordingly, the rejections of record should be withdrawn.

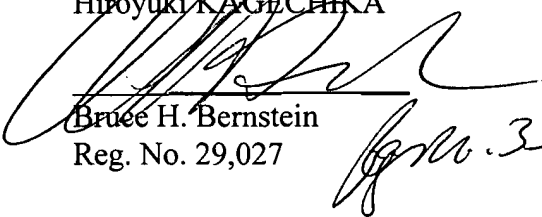
### CONCLUSION

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejections of record, and allow each of the pending claims.

Applicants therefore respectfully request that an early indication of allowance of the application be indicated by the mailing of the Notices of Allowance and Allowability.

Should the Examiner have any questions regarding this application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
Hiroyuki KAGECHIKA

  
Bruce H. Bernstein  
Reg. No. 29,027

June 18, 2004  
GREENBLUM & BERNSTEIN, P.L.C.  
1950 Roland Clarke Place  
Reston, VA 20191  
(703) 716-1191